

HOUSE BILL No. 5156

November 14, 2013, Introduced by Reps. Shirkey and McBroom and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 6421 (MCL 600.6421), as amended by 2013 PA 164.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6421. (1) NOTHING IN THIS CHAPTER ELIMINATES OR CREATES
2 ANY RIGHT A CLAIMANT MAY HAVE TO A TRIAL BY JURY. NOTHING IN THIS
3 CHAPTER DEPRIVES THE CIRCUIT OR DISTRICT COURT OF JURISDICTION TO
4 HEAR AND DETERMINE A CLAIM FOR WHICH THERE IS A RIGHT TO A TRIAL BY
5 JURY AS OTHERWISE PROVIDED BY LAW. EXCEPT AS OTHERWISE PROVIDED IN
6 THIS SECTION, IF A CLAIMANT HAS THE RIGHT TO A TRIAL BY JURY AND
7 ASSERTS THAT RIGHT AS REQUIRED BY LAW, THE CLAIM MAY BE HEARD AND
8 DETERMINED BY A CIRCUIT OR DISTRICT COURT IN THE APPROPRIATE VENUE.
9 (2) FOR DECLARATORY OR EQUITABLE RELIEF SOUGHT BY A CLAIMANT

1 WITHIN THE JURISDICTION OF THE COURT OF CLAIMS DESCRIBED IN SECTION
2 6419(1) AND ARISING OUT OF THE SAME TRANSACTION OR SERIES OF
3 TRANSACTIONS WITH A MATTER ASSERTED FOR WHICH A CLAIMANT HAS THE
4 RIGHT TO A TRIAL BY JURY UNDER SUBSECTION (1), UNLESS JOINED AS
5 PROVIDED IN SUBSECTION (3), THE COURT OF CLAIMS SHALL RETAIN
6 EXCLUSIVE JURISDICTION OVER THE MATTER OF DECLARATORY OR EQUITABLE
7 RELIEF UNTIL A FINAL JUDGMENT HAS BEEN ENTERED, AND THE MATTER
8 ASSERTED FOR WHICH A CLAIMANT HAS THE RIGHT TO A TRIAL BY JURY
9 UNDER SUBSECTION (1) SHALL BE STAYED UNTIL FINAL JUDGMENT ON THE
10 MATTER OF DECLARATORY OR EQUITABLE RELIEF.

11 (3) With the approval of all parties, any matter within the
12 jurisdiction of the court of claims described in section 6419(1)
13 may be joined for trial with cases arising out of the same
14 transaction or series of transactions that are pending in any of
15 the various trial courts of the state. A case in the court of
16 claims that has been joined with the approval of all parties shall
17 be tried and determined by the judge even though the trial court
18 action with which it may be joined is tried to a jury under the
19 supervision of the same trial judge.